



United States Department of Justice
United States Attorney's Office
Western District of Texas - El Paso Division

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July 1, 2025

Certified Mail No. 9590 9402 9197 4225 4981 05
Return Receipt Requested

Matthew Andrew Garces
5150 Broadway Street, PMB #476
San Antonio, TX 78209-5710

RE: *Matthew Andrew Garces v. Fred Biery et al.*, SA-25-CV-609-OLG

Dear Mr. Garces:

I hope this message finds you well. I am an Assistant U.S. Attorney in the Civil Division of the U.S. Attorney's Office for the Western District of Texas, El Paso Division. I have been assigned to represent the Honorable Fred Biery, U.S. District Judge, in this action.

Our records indicate that the United States and Judge Biery have not been served in compliance with the Federal Rules of Civil Procedure. Under Federal Rule of Civil Procedure 4(i)(3), service on a federal officer or employee sued in an individual capacity requires service both on the United States in accordance with Rule 4(i)(1) and on the officer or employee in accordance with Rule 4(e). To effect service, strict compliance with the Federal Rules of Civil Procedure is required.

Pursuant to Rule 4(i)(1)(A), service on the United States requires delivering a copy of the summons and the complaint or sending a copy of the summons and the complaint by registered or certified mail to the United States Attorney for the Western District of Texas in San Antonio, c/o Civil Process Clerk, Office of the United States Attorney, 601 N.W. Loop 410, Suite 600, San Antonio, Texas 78216. A copy of the summons and complaint must also be sent by registered or certified mail to the Attorney General of the United States in Washington, D.C. pursuant to Rule 4(i)(1)(B). Pursuant to Rule 4(a), the summons must be signed by the Clerk of Court.

Pursuant to Rule 4(e)(2)(C), service on an individual may be made by delivering a copy to an agent authorized by appointment to receive service of process.

As of this writing, the United States and Judge Biery have not been served with process in accordance with the Federal Rules of Civil Procedure. However, Judge Biery has agreed to designate me under Federal Rule of Civil Procedure 4(e)(2)(C) as his agent for service of process. As such, **you should not attempt to serve Judge Biery personally. I, Anna Arreola, will accept**

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service on behalf of Judge Biery by certified mail to my office at 700 E. San Antonio, Suite 200, El Paso, Texas 79901. As noted above, proper service requires a copy of a summons signed by the Clerk of Court and a copy of the complaint.

The sixty-day answer period for a federal officer or employee sued in an individual capacity does not begin to run until you have properly served the individual and the United States Attorney in accordance with Rule 4. *See* Federal Rules of Civil Procedure 12(a)(3). An individually-named federal defendant may respond up to sixty days from service on the United States Attorney or sixty days from service on the individual, whichever is later. Defendant does not waive any defenses regarding improper service of process.

Finally, in an effort to ensure that there are no miscommunications, I respectfully request that our communications be in writing.

Sincerely,

JUSTIN R. SIMMONS
UNITED STATES ATTORNEY

By: /s/ Anna E. Arreola
ANNA E. ARREOLA
Assistant United States Attorney

cc: U.S. District Clerk's Office